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8 TRACYE BENARD WASHINGTON,
9 Plaintiff,
10 v.
11 SALINAS VALLEY STATE PRISON,
12 et al.,
13 Defendants.
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17 Case No. 22-cv-05831 BLF (PR)
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**ORDER DIRECTING PLAINTIFF TO
PROVIDE NAME OF JOHN DOE NO.
3 (LT.); DISMISSING CLAIMS
AGAINST REMAINING DOE
DEFENDANTS**

Plaintiff, a state prisoner proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. The Court dismissed several claims for failure to state a claim for relief and served the cognizable claims on Defendants Guijarro and Serrato. Dkt. No. 14 at 3. In the same order, Plaintiff was directed to attempt to ascertain the name of John Does Nos. 1, 2, 4, 5, 7, and 8, and Sgt. John Doe, and to file a motion to substitute the complaint with these Defendants' proper names no later than fifty-six (56) days from the date the order was filed. *Id.* at 5. That order was filed on May 3, 2023, such that Plaintiff had until June 28, 2023, to file a motion to substitute. *Id.*

The deadline has long since passed, and Plaintiff has failed to file any such motion indicating that he has ascertained the identities of these Doe Defendants. Accordingly, the claims against these John Doe Defendants are **DISMISSED** for failure to state a claim for

1 relief.

2 On the other hand, Plaintiff may still be able to identify John Doe No. 3 (Lt.),
3 against whom Plaintiff has stated a cognizable claim for excessive force for pulling
4 Plaintiff's hair while attempting to get him back onto his wheelchair. Dkt. No. 1 at 12-13.
5 In the interest of justice, Plaintiff shall be granted one final opportunity to file a motion to
6 substitute the complaint with this Defendant's proper name **no later than twenty-eight**
7 **(28) days** from the date this order is filed.

8 Failure to respond to this order in the time provided will result in the dismissal of
9 the claim against John Doe No. 3 (Lt.) for failure to state a claim for relief.

10 **IT IS SO ORDERED.**

11 **Dated:** May 21, 2024


BETH LABSON FREEMAN
United States District Judge

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Northern District of California

25 Order Directing Pl. to provide Name of Doe Def; Dism. Claims Against Other Doe Defs.
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